UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/2001/SR.6
13 August 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 2 August 2001, at 10 a.m.

Chairperson: Mr. WEISSBRODT

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

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GE.01-14835 (E) 030801 130801

The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (item 2 of the provisional agenda) (continued) (E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/Sub.2/2001/NGO/1, 4, 7, 8, 10, 12, 14 and 15)

1. Mr. GOONESEKERE said that emotions had run high at the previous meeting. The issue of reparation for colonization called, however, for a more studied approach. Members should also seek to be more specific and objective in their interventions.

2. Sri Lanka, his own country, was one of the many former colonies that had been conquered by "bible and sword". Over the centuries, Portuguese, Dutch and British occupying Powers had successively imposed their own churches, languages and administrative practices on the Sri Lankan people. Although compensation for the plundering of a country's land and mineral resources might more easily be made, the issue was complicated by the technological, educational and cultural benefits which could nonetheless result from colonization, and by the unfair distribution of those benefits among a colonized population.

3. Local rulers were often accused of having plundered their own country's assets, but it was necessary to determine who was responsible for corrupting those rulers in the first place. During Nigeria's oil boom, foreign companies had bribed local officials into authorizing the construction of super highways that had proved so ill-adapted to the local climate that they had failed to benefit the local population. Who was to be brought to account for such a blunder?

4. Much as the Sub-Commission must clearly sympathize with the victims of colonization and slavery, it should also be prepared to consider the evidence that conquest had, at the time, been considered a legitimate practice. It must also examine the question of reparation for slavery in all its contemporary forms and not just that most heinous one: the forcible uprooting of persons, to be treated as third-class citizens abroad.

5. Mr. van HOOF said that, while the debate on item 2 had thus far proved most constructive, it would benefit from a more structured approach, the parameters of which had yet to be agreed by the Sub-Commission. He agreed with the previous speaker that the issue of reparations was highly complex. Mrs. Warzazi's suggestion that debt relief should be viewed as a means of redressing past wrongdoings merited further consideration. It was also his view that the Sub-Commission should contribute to the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by submitting concrete proposals. The Sub-Commission might emphasize, for example, that any reparations must benefit the local people, since it was individuals - not States - who were the bearers of human rights.

6. It was a matter of concern that non-governmental organizations (NGOs) were not reflected in the records of sessions submitted to the Commission, especially considering the latter body's recommendation that the Sub-Commission should enhance the participation of NGOs in its work. Moreover, the Sub-Commission itself risked being condemned to silence if it was not to reflect on country-specific situations.

7. He fully endorsed Ms. Hampson's condemnation of recent Israeli action in Palestine. He also welcomed her structured and thematic approach to the agenda item. The theme of accountability certainly merited further attention, as also, in his view, did the lawfulness of detention.

8. Mrs. WARZAZI said that it was impossible to speak of human rights without recalling the intolerable situation in the occupied Palestinian territories. It could hardly be called a war when young men with nothing but stones and courage were pitted against all the sophisticated weaponry of the Israeli armed forces. The world's leaders allowed Israel to act with complete impunity and were thus to some extent complicit. How was it possible to proclaim a culture of human rights when thousands of Palestinian people continued to be subjected to arbitrary attack, torture and closures, and when the Security Council failed to take decisive action to end those crimes?

9. Moreover, the right of veto in that body ran counter to the spirit of the Charter of the United Nations, having become the personification of murder and terror, while political pressures were exerted to silence dissent. Only the previous month, the International Committee of the Red Cross (ICRC) had apologized to the representative of Israel for stating that the Israeli settlement policy was a serious violation of the Fourth Geneva Convention and constituted a war crime. How could Governments that preached human rights while turning a blind eye to their violation sit in judgement over others?

10. The agenda item under consideration provided an opportunity to denounce human rights violations wherever they might occur. NGOs participating in the debate had drawn attention mainly to situations in developing countries. Although she shared most of their concerns, she believed that attention must also be drawn to a new form of political colonialism, namely, the unacceptable behaviour of certain Western Governments which consisted in seeking to impose their own model of democracy on the world despite reneging on their international obligations.

11. The new world philosophy led by the Washington consensus consisted in removing customs barriers only to relinquish national sovereignty to gigantic transnational corporations. Meanwhile, demonstrators protesting against a globalization that failed to answer the needs of the developing countries were met with excessive use of force by the police.

12. Drawing attention to human rights violations in so-called "democratic" developed countries, she said that prostitution was widespread, and the police and judiciary frequently turned a blind eye to the paedophilia to which children were exposed. Migrant workers and immigrants were subjected to discrimination and harassment in such countries, and did not enjoy access to proper legal recourse.

13. Referring to the situations in specific developed countries, she said that in France, a recent study had revealed that 69 per cent of the population held racist or xenophobic views. In Belgium, a local insurance company had withdrawn cover from 500 Moroccans on the basis of their nationality, and other companies appeared to be following suit, while, in the United Kingdom, minorities had been forced to defend themselves from racist attack. In Italy, a political leader had recently proposed the construction of a 260-kilometre anti-immigration wall along the border with Slovenia, and in Spain, a demonstration by illegal immigrants had been severely repressed.

14. The Sub-Commission could also not afford to be silent about gross human rights violations in Iraq for which two countries bore the primary responsibility. The sanctions imposed on the country had caused such massive suffering among civilians and had been responsible for so many deaths that the other permanent members of the Security Council had called for the embargo to be lifted. Despite the fact that Iraq had been almost completely disarmed and its development arrested, United States and United Kingdom aircraft continued to bomb the country, killing more civilians. The World Health Organization (WHO), for its part, did not appear sufficiently concerned at the effects on the Iraqi population of the use of depleted uranium. Meanwhile, the oil-for-food programme had failed to authorize deliveries of essential vaccines.

15. Mrs. DAES said that gross and systematic violations of human rights had been taking place in Cyprus for the past 27 years. Despite numerous United Nations decisions, recommendations and resolutions to restore respect for the rights and freedoms of all Cypriots, successive Turkish Governments had collaborated with the illegal regime of occupied northern Cyprus to obstruct the efforts of human rights defenders.

16. On 10 May 2001, the European Court of Human Rights had delivered its verdict concerning the responsibility of the Turkish authorities for 14 violations of the European Convention on Human Rights. Regarding Greek-Cypriot missing persons and their relatives, the Court had found continuing violations of article 2 (right to life), article 5 (right to liberty and security of person), and article 3 (prohibition of inhuman or degrading treatment). With regard to the homes and property of displaced persons, the Court had found continuing violations of article 8 (right to respect for private and family life, home and correspondence) and article 13 (right to an effective remedy) as well as of article 1 of Protocol No. 1 (protection of property). A series of violations had been found in relation to the living conditions of Greek Cypriots in the occupied Karpas region in northern Cyprus. They included violations of article 9 (freedom of thought, conscience and religion), article 10 (freedom of expression), articles 3, 8 and 13 and article 2 of Protocol No. 1 (right to education). The Court also ruled that the rights of Turkish Cypriots living in northern Cyprus had been violated, particularly in respect of article 6 (right to a fair trial), on account of the legislative practice of authorizing the trial of civilians by military courts.

17. Referring to an article appearing in the Turkish Cypriot daily Avrupa, of 6 December 1999, she said that illegal settlers outnumbered the resident Turkish Cypriots in the occupied region. Since 1974, while many Turkish Cypriots had emigrated, an estimated 115,000 settlers had been brought to the island as part of a deliberate attempt by Turkey to change its demography.

18. Furthermore, 200,000 Greek Cypriots had been forced to leave their homes, in a clear attempt at ethnic cleansing. Efforts were being made to destroy the island's cultural heritage, including the looting of churches and monasteries, and the illegal sale of religious icons. Turkey continued to defy a ruling by the European Court of Human Rights, dated 18 December 1996, which ordered that compensation be paid to the legal owner of land occupied by Turkish military forces. She called for the territorial integrity of the Republic of Cyprus to be restored, in accordance with United Nations resolutions, and for an end to human rights violations on the island.

19. Ms. ZERROUGUI said that the forthcoming World Conference would provide an opportunity to examine the underlying causes of racism, to call on States to eliminate discriminatory practices, and to adopt practical measures to combat a phenomenon that threatened world peace and security. The divisions within the Preparatory Committee suggested that the draft declaration and programme of action would be nothing more than an illusory consensus, threatening to sidestep the real problems and to allow the former colonial powers to escape accountability for having colonized peoples or reduced them to slavery. It was even more important that the colonial powers should accept responsibility for the serious damage caused to the economic and social fabric in the colonized countries, which could not be dissociated from the inter-ethnic, inter-religious and other conflicts still bedevilling the peoples of Africa, Asia and Latin America. Only by recognizing the wounds of the past could one expect to address the problems linked to contemporary discrimination. In that regard, she welcomed the contribution made by Mr. Guissé at the previous meeting.

20. There were a number of other important sources of disagreement within the Preparatory Committee, including those on the Palestinian question. For 50 years, the Palestinians had lived under occupation, suffering violations of their most basic human rights. Such issues had to be given full exposure, or the World Conference would lead more to words than to action. Fine words not followed by action undermined the credibility of international human rights instruments. Both the Secretary-General and the High Commissioner for Human Rights had spoken at the fifty-seventh session of the Commission on Human Rights of the need to ensure that bold statements of intent regarding human rights became a reality. The Sub-Commission should break the conspiracy of silence and continue to draw attention to legitimate human rights causes.

21. Mr. EIDE said he was concerned at the use of capital punishment and the unfair administration of justice in some countries. In the People's Republic of China, executions of dissidents appeared to be on the increase, while the right to a fair trial was frequently denied. He urged the Chinese authorities to give serious consideration to the provision of more appropriate safeguards for defendants during legal proceedings.

22. The United States was virtually the only country which still executed juvenile offenders, and the number of such executions had recently risen. There was widespread recognition of the racial bias to law enforcement in the United States, which was particularly reflected in the behaviour of police officers. Similarly, in Europe, a discernible police bias had emerged against aliens. On both sides of the Atlantic, certain sections of the population were often prevented from gaining access to qualified legal assistance.

23. Mr. OGURTSOV, having promised to refrain from referring to specific countries, said that violations of human rights and fundamental freedoms were on the increase, having assumed new and more insidious forms. The most flagrant abuses occurred during armed conflicts. People looked to the international community not for words, but for decisive action to break the cycles of violence.

24. According to the United Nations Development Programme (UNDP), nearly 1 billion people lacked adequate food, 250 million children were subjected to child labour, over 1 million women and girls were trafficked for the purposes of sexual exploitation and 1.3 billion people lived in extreme poverty. Moreover, 11 people throughout the world were infected by HIV/AIDS every minute. In Africa alone, the pandemic had caused more than 12 million deaths and it was estimated that, by 2010, more than 40 million African children would be orphaned by HIV/AIDS.

25. In developing and developed countries alike, discrimination against women, minorities and indigenous peoples was widespread. States were either too slow to revise and implement relevant legislation, or merely content to pay lip-service to notions of equality.

26. In the absence of proper administration of justice, legislation to safeguard human rights remained ineffective. Meanwhile, freedom of opinion and association - without which a culture of human rights could not be built - continued to be undermined in many parts of the world. There were 40 countries that lacked a multiparty electoral system and the fairness of the electoral process was doubted in other countries. In many parts of the world, NGO activities were restricted and journalists harassed or killed for speaking the truth. All too often, the security of civilian populations was compromised by conflicts and political repression, with violent crime on the increase in a number of countries.

27. Globalization was creating a new world order, an order that was widening the gap between the rich and the poor and further threatening human rights.

28. Mr. PINHEIRO, drawing attention to the report of the International Commission of Inquiry for Togo (E/CN.4/2001/134-E/CN.4/Sub.2/2001/3) and a letter addressed to the High Commissioner for Human Rights from the Prime Minister of Togo (E/CN.4/2001/134/Add.1-E/CN.4/Sub.2/2001/3/Add.1), said that he had been a member of the International Commission of Inquiry for Togo, set up at the request of the Government of Togo following a statement by the Chairperson of the fifty-first session of the Sub-Commission concerning the human rights situation in that country. The Commission of Inquiry had been established under the auspices of the United Nations and the Organization of African Unity (OAU), and consisted of himself and two other experts, Mr. Abakar (Chad) and Mr. Souna (Niger), appointed by mutual agreement. Its purpose had been to investigate allegations that hundreds of extrajudicial executions had taken place in Togo during 1998, and that the bodies of the victims had been dumped in the sea.

29. Following meetings in Geneva and fact-finding missions to Togo, the Commission had submitted its report on 26 December 2000. It had concluded that, while a number of accounts appeared to substantiate the allegations that bodies had been dumped in the sea, it had been

impossible to determine either the precise number of bodies or whether aircraft had been used to dump them in the high seas. It had recommended that another team of experts should be appointed to clarify the allegations concerning the use of aircraft, and that a special rapporteur on the situation of human rights in Togo should be appointed in order to develop cooperation with the authorities of that country.

30. The Government of Togo had responded by setting up a National Commission of Inquiry, which had published its report in June 2001. He had been surprised to learn that the Government of Togo, in an annex to that report, referred to the application of the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The conclusions of the report were still under consideration by the Commission on Human Rights.

31. Mr. FAN Guoxiang said that human rights violations occurred at both the international and the domestic levels. The colonial empires of the past had been built at the expense of the right to life and development of colonized inhabitants. Without tremendous pressure from the international community, decolonization could not have taken place. The right to international peace and sustainable development was inherent in the effective realization of human rights. Globalization was creating a growing gap between rich and poor, and transnational corporations were controlling world business without paying proper attention to social welfare.

32. The end of the cold war had created new opportunities for disarmament and security. The successful achievements of the Chemical Weapons Convention, the Test-Ban Treaty and the Non-Proliferation Treaty had led to rising expectations of a lasting peace. The conservative administration of a super-Power had, however, undermined those achievements and prevented further progress. By blocking the Kyoto Protocol, it had frustrated the combined efforts of many countries and had shaken confidence in prospects for peace and security. It had put national and commercial interests before international peace and development and ignored the need to guarantee suitable conditions for the promotion and protection of human rights.

33. Mr. ALFONSO MARTÍNEZ said that the turn the discussion had taken since the previous meeting, particularly in response to Mr. Guissé's statement, had opened up new vistas for an interactive dialogue of great value. In terms of procedure, he supported the proposal by Mrs. Daes that each member should be allowed to make more than one statement, provided that a reasonable time limit was observed. Through the summary records of its proceedings, the Sub-Commission should make the criteria underlying the debate clear to the Commission on Human Rights.

34. General Assembly resolution 1514 (XV) adopted in 1960, which contained the Declaration on the Granting of Independence to Colonial Countries and Peoples, stated that the subjection of peoples to alien subjugation, domination and exploitation constituted a denial of fundamental human rights, was contrary to the Charter of the United Nations and was an impediment to the promotion of world peace and cooperation. It thus forged a link between the right of self-determination and the enjoyment of human rights. The two International Covenants

on Human Rights, in their common article 1, stated that all peoples had the right of self-determination, and that, by virtue of that right, they freely determined their political status and freely pursued their economic, social and cultural development. Also, they might freely dispose of their natural wealth and resources. In that connection, he stressed that their wealth and resources included those derived from international trade, which should not be subject to restrictions imposed unilaterally by a State for its own purposes.

35. Human rights continued to be flouted wherever a colonial presence had survived. Where it existed, such a presence tended to be associated with irredentism by peoples who considered that they had been deprived of the right of self-determination. In many cases, their assertion of those rights - in the Middle East, Europe and the Americas - set in motion a cycle of insurrection and repression. He expressed support in that connection for Mrs. Warzazi's statement about the situation in the occupied Arab territories, particularly the West Bank and Gaza. The Sub-Commission must seek to develop a creative approach to such situations.

36. The phenomenon of colonialism should be viewed not only in terms of redressing past wrongs but also in terms of the implacable covert violence inherent in the social and economic conditions imposed by the form of social and political organization known as capitalism. As a system, capitalism was genetically incapable of promoting human development and the enjoyment of human rights and fundamental freedoms. Its depredations were all the greater in the era of globalization and neo-liberalism.

37. Social concerns were neglected by Governments whose energies were absorbed by the task of paying off a constantly growing debt. The failure of the State to guarantee economic, social and cultural rights, such as the right to employment, health and education, and to protect fledging democracies would inevitably lead to social explosions.

38. Mr. PINHEIRO commended Mr. Alfonso Martínez on his plea for a more creative and imaginative approach to agenda item 2, particularly with reference to the Palestinian tragedy.

39. Mr. ALFONSO MARTÍNEZ said that ingenuity was required in dealing with all situations in which human rights and fundamental freedoms were being violated.

40. Ms. Hampson had argued at a previous meeting that the past could not be judged in the light of contemporary criteria, especially past acts that had not been unlawful when they were perpetrated. He had strong reservations about the primacy of the law under such circumstances, since it would inevitably result in historical impunity.

41. Mr. EIDE said he agreed with Mr. van Hoof that the Commission's instructions regarding agenda item 2, such as the request that proper attention should be given to the concerns of NGOs, were somewhat contradictory. However, he thought that the Sub-Commission's discussion of the item had been very profitable at the current session. The thematic approaches adopted, for example in connection with the issue of reparations in the context of colonialism

and slavery, had been creative and imaginative. The concept of historical impunity would repay further study, as would the forgotten conflicts mentioned by Ms. Hampson. Although he still thought that resolutions were desirable, the Sub-Commission should focus on thematic issues and develop a constructive approach to ensure that human rights violations were prevented rather than deplored.

42. Conflicts were interrelated and many of the issues raised under agenda item 2 involved religious intolerance and extremism, and the tendency of rulers to apply unduly harsh methods to situations that could be handled peacefully and constructively. Israel owed its creation to the Holocaust for which Europeans were largely responsible. It was intended to be a place where Jews could seek refuge from the tragedies that had befallen them in the past, especially in Europe. But the relationship between Israel and Palestine had generated a new conflict, which had been steadily escalating. The choice of means by both sides tended to exacerbate the situation and there seemed to be no way out of the crisis. The settlements in the occupied territories, which had been on the United Nations agenda for a very long time, constituted a clear-cut provocation to the Palestinians and led to increasing insecurity for both settlers and the people of Israel. The possibility of living in peace depended on reaching an accommodation, but there was little willingness in Israel to seek such an accommodation because of political processes. It was therefore up to the international community to address the problem and find a solution acceptable to both parties.

43. The situation in Kashmir was another perennial problem involving, on the one hand, religious extremism - often linked to the demand for self-determination - and, on the other, a tendency to overreact with excessively violent means. Self-determination was a lofty ideal. It had played an important role in the history of the United Nations during the process of decolonization and was still of great relevance, especially in occupied territories. On the other hand, it should be interpreted in the wider context of international law and international human rights law. Self-determination was often linked to ethnic exclusiveness, as in the former Yugoslavia and in Sri Lanka.

44. Some 20 years previously, he had criticized the Sri Lankan Government in the Sub-Commission for its inability to ensure the fair administration of justice and to provide security for the Tamil population in the wake of the 1983 killings. Subsequently, however, the Liberation Tigers of Tamil Eelam (LTTE) had perpetrated acts that could only be described as indiscriminate terrorism and that had affected civilians and individuals who could have served as bridge-builders. In such conflicts, both sides used means that escalated the human rights problems, drawing on absolutist terms such as self-determination without taking into account their full meaning under international human rights law. All the parties to a conflict - however just or unjust their cause - must comply with certain standards of humanity. The Sub-Commission had already brought that issue to the attention of the Commission on Human Rights but it had not yet been given the serious attention it deserved.

45. The CHAIRPERSON said that he and Mr. Preware, the Rapporteur, had prepared a summary of the discussion that had taken place among the members of the Sub-Commission at the previous meeting for distribution to the participants in the meeting of the Preparatory

Committee for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance. The statements made at the current meeting would be added, if the document met with the approval of the Sub-Commission.

46. The debate on agenda item 2 would thus be reflected in three separate documents: a resolution to be drafted by the members, the summary records and the unofficial summary he had just referred to. As it was legally unclear whether the Sub-Commission could communicate with the Preparatory Committee without consulting its parent body, the Commission on Human Rights, it had been suggested that the Sub-Commission's views could be communicated through Mr. Pinheiro, who had been appointed to represent it at the World Conference.

47. Mrs. WARZAZI expressed support for that suggestion.

48. Mr. JOINET proposed that the resolution alone should be communicated to the Preparatory Committee. The summary records and the unofficial summary would reflect conflicting views. The resolution, on the other hand, would reflect the final consensus.

49. Mr. FAN Guoxiang said he thought that a record of the entire discussion, consisting of all three of the elements described by the Chairperson, should be communicated to the participants in the meeting of the Preparatory Committee and in the World Conference.

50. Mrs. DAES said that the Preparatory Committee was making rapid progress and the Sub-Commission should therefore submit its resolution within the next day or two. If the summary records were not distributed until the following week, very few delegations would take them into account. Nevertheless, the Sub-Commission had already made a contribution to the World Conference, because it had submitted documents to the Preparatory Committee with its views on certain items that were on the Conference agenda. The Working Group on Indigenous Peoples had already transmitted some information; a number of indigenous people would be participating in the Conference and an appeal had been made to their Governments to render that participation possible, while she would be representing the Working Group itself.

51. Mr. KARTASHKIN said that, on the previous day, Mr. Guissé had raised a very important point and it had been discussed in detail. Opinions had been expressed that could be used as a basis for a resolution. Nevertheless, however important the discussion, it would not attract much attention in Durban, even if the Sub-Commission submitted a summary of its work to the Commission on Human Rights. If the Sub-Commission wanted to make a contribution to the decisions of the World Conference on topics that it had debated, it must adopt a resolution; any other solution would have little effect in Durban. He would support the proposal, therefore, that the Sub-Committee start work immediately on a draft resolution, rather than continuing with its discussions.

52. Mr. PREWARE said that, following the extensive discussion the previous day, it had been agreed that a resolution should be prepared and several members of the Sub-Commission had been appointed to draft it. He questioned the need to submit a summary report of

discussions together with the resolution, and wondered whether its purpose would be to validate the position presented in the resolution or to bring out the different points of view on the issue, all of which should be considered in Durban. He agreed with Mr. Joinet that the resolution was the essential document and that it was unnecessary to add any other.

53. Mr. PARK said he agreed that the resolution was the essential means of ensuring that the opinion of the Sub-Commission received sufficient attention at the World Conference. It should thus be drafted without delay.

54. Mr. PINHEIRO said he was in favour of submitting a resolution to the Preparatory Committee as soon as possible. The Sub-Commission had, in fact, a historical opportunity to collaborate with the Preparatory Committee. Two of the Committee's groups were working on the Declaration and the Programme of Action, respectively, while a third group, under the leadership of Brazil, was working on questions related to slavery and colonialism and a fourth group, under the leadership of Mexico, was dealing with the victims of discrimination. The last two groups would have an interest in learning the Sub-Commission's positions on those issues. The resolution was the obvious means of communicating those positions.

55. Ms. ZERROUGUI said that the Sub-Commission should submit a document that represented the consensus of its members. It would weaken its position if it submitted a summary report or summary records that emphasized their differences.

56. Ms. HAMPSON said that the summary report should be distributed to the members of the Sub-Commission only and used as a background document for drafting the resolution. The resulting document should be submitted to the Preparatory Committee, rather than directly to the World Conference. However, the resolution should not be prepared in haste, because it should take all the different aspects into consideration and, ideally, it should be adopted unanimously rather than by consensus. It was also important that certain issues that were touched on only tangentially the day before should be included in the resolution.

57. Moreover, it appeared that the Preparatory Committee was facing grave difficulties and a risk that certain key States in the area of reparations would not attend the Conference. The resolution should recognize the position of certain groups within the Preparatory Committee and it would be advisable for the Sub-Commission to brief itself on the current situation. Therefore, it was advisable to devote more time to the preparation of the resolution which, perhaps, could be ready by noon on Monday, 6 August.

58. Mr. EIDE said that the summary report and summary records had different purposes: the first as an input to the resolution and the second for the benefit of the Sub-Commission's future deliberations. A number of matters had arisen during the previous meeting that required further discussion and those documents would provide a fundamental record for members.

59. Mrs. WARZAZI said she wished to make it clear that the subject raised by Mr. Guissé the previous afternoon arose from Sub-Commission decision 2000/114 entitled "Mass and flagrant violations of human rights which constitute crimes against humanity and which took

place during the colonial period, wars of conquest and slavery". It had come up at the Sub-Commission's previous session under the item on the administration of justice. However, in view of its subject matter, it was evident that the issue belonged under item 2 rather than item 3 of the current provisional agenda.

60. She agreed that the Sub-Commission needed to work on its resolution. She was not worried about the non-participation in the Conference of one or two States, since one of them had boycotted the 1978 and 1983 World Conferences and was thus merely continuing the same policy, which had not had a great effect on the events. She agreed that the summary records and the report would be useful at a later stage, particularly in preparing the introduction to the resolution.

61. Mr. ALFONSO MARTÍNEZ said he agreed with Ms. Hampson and Mr. Eide that there was no reason to prepare the final version of the resolution immediately. It was preferable to be prudent and to take all the available information into consideration. He had some very specific ideas about what could be done with regard to the points that were dividing his colleagues in the Preparatory Committee, but it was indispensable to obtain precise information. Submission of the summary records or report could confuse matters; the Sub-Commission should adopt a resolution that reflected a unanimous position.

62. Mr. GUISSÉ said that the document submitted to the Preparatory Committee should be a brief one that reflected the Sub-Commission's concerns with regard to slavery and colonization. The brief discussion the previous day was only the beginning of a long process of deliberation. The Sub-Commission could not reach a final decision immediately: it should prepare a unanimous opinion on the issues, expressed in the form of a resolution. It would have to look at the problem in greater detail in the future in the hope that the result would be a declaration or a convention, but a long process had to be carried through first of all in order to bring people to a consensus view.

63. Mr. SORABJEE, supported by Mr. EIDE, said that the summary records or report were for the benefit of the members of the Sub-Commission and should not be submitted to the Preparatory Committee. He emphasized that adequate time must be allocated to the drafting of the resolution, since it should be adopted unanimously in order to enhance its impact.

64. Mr. JOINET said that the resolution should be a brief one. The initial drafting group should consist of only two or three members of the Sub-Commission; once a preliminary document had been prepared, two or three other members could then review it, and then the revised version would be circulated to all the members.

Statements in exercise of the right of reply

65. Mr. LOUTFY (Observer for Egypt), responding to allegations by an NGO regarding the arrest of members of the Baha'i faith in his country, said that the Egyptian Constitution and legislation guaranteed freedom of religion for all. However, there was a fundamental difference between freedom of belief and involvement in illegal activities directed against Islam and action contrary to public order.

66. Law No. 263 of 1960 concerning the dissolution of all Baha'i lodges was not a violation of freedom of belief because the Constitutional Court of Egypt had confirmed its consistency with article 29 of the Universal Declaration of Human Rights, which provided that, in the exercise of his rights and freedoms, everyone should be subject only to such limitations as were determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

67. It could not be asserted that the Baha'i faith fully respected Islam, since the Egyptian police had arrested members of a Baha'i organization in January 2001 who were circulating publications that attacked the Islamic faith.

68. Mr. KAYA (Observer for Turkey) said that, to save the Sub-Commission's time, he would distribute a written response to Mrs. Daes' statement concerning Cyprus to all the members of the Sub-Commission.

The meeting rose at 1 p.m.